THE HON'BLE SRI JUSTICE L. NARASIMHA REDDY

WRIT PETITION No. 18891 of 2005

DATED: 26.12.2005

Between:

G.Mallaiah.

... PETITIONER

AND

APSRTC and others.

... RESPONDENTS

ORDER:

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The petitioner is working as a Driver in APSRTC. Disciplinary proceedings were initiated against him, by issuing a Charge Sheet, dated 09.05.1986. The petitioner submitted his explanation on 06.07.1986. On a consideration of the same, through Office Order, dated 04.05.1987, the Depot Manager, Jangaon Depot, 2nd respondent herein, imposed the punishment of stoppage of annual increment for a period of two years with cumulative effect. The petitioner challenges the same in this Writ Petition.

On the face of it, the Writ Petition cannot be maintained for more reasons than one. The petitioner had approached this Court almost two decades after the punishment was imposed against him. Further, he did not avail the remedy of

appeal and review. This Court has taken a consistent view that the imposition of punishment of stoppage of increments with cumulative effect, without conducting departmental enquiry, can be treated as a major penalty, only from the date on which the Supreme Court rendered its judgment in the case of ***KULWANTH SINGH GILL v. STATE OF PUNJAB.*** Since the punishment was imposed against the petitioner earlier thereto, no exception can be taken to the impugned order.

Hence, the Writ Petition is dismissed. There shall be no order as to costs.

26.12.2005

Jsu